

FILED

2008 MAY 29 AM 9:53

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY KNH DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

HERNAN DELGADO,

Petitioner,

v.

ALBERTO R. GONZALEZ, United  
States Attorney General, et al.,

Respondents.

CASE No: 07-CV-1315 W (CAB)

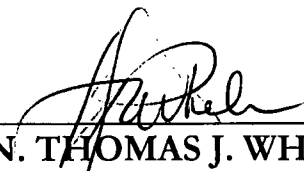
**ORDER VACATING MAY 13, 2008  
ORDER AND DISMISSING  
PETITION AS MOOT**

On May 13, 2008, this Court granted in-part Petitioner Hernan Delgado's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, and ordered a hearing before the immigration court within ten day. On May 15, 2008, the Court granted a joint motion to stay execution of the judgment pending negotiations between the parties regarding Delgado's release on a reduced bond. On May 20, 2008, Delgado was released from Respondents' custody on bond. The parties then filed the pending joint motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(5) and for dismissal.

1 Having reviewed the moving papers and good cause appearing, the Court  
2 **GRANTS** the motion (Doc. No. 19). The Court's May 13, 2008 order is **VACATED**  
3 and the case **DISMISSED** without prejudice on the ground that the Petition is now  
4 moot.

5  
6 **IT IS SO ORDERED.**

7  
8 DATE: May 28, 2008

  
HON. THOMAS J. WHELAN  
United States District Court  
Southern District of California

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12 **CC: ALL PARTIES**  
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